REMARKS

Amendment A is hereby provided after careful consideration of the Examiner's comments set forth in the Office Action mailed June 18, 2010. Claims 1-21 remain in the application after Amendment A is entered. Reconsideration of the application is respectfully requested in view of the amendments and remarks provided herein.

The Office Action

Claim 17 is objected to under 37 CFR 1.75(c) for allegedly failing to further limit the subject matter of the previous claim.

Claims 1-4, 6, 8-13, 15-17, and 19-21 stand rejected under 35 U.S.C. § 103(a) for allegedly being obvious over U.S. Patent No. 7,124,938 to Marsh in view of "WinTV-USB and WinTV-USB-FM Specification" by Hauppauge.

Claim 5 stands rejected under 35 U.S.C. § 103(a) for allegedly being obvious over Marsh and Hauppauge in view of U.S. Pat. App. Publication No. 2002/0169973 to Kim et al.

Claims 7, 14, and 18 are identified as allowable dependent claims that would be allowed if placed in independent form including all of the limitation of the base claim and any intervening claims.

The Objections

Claim 17 is in Proper Form under 37 CFR 1.75(c).

As amended, claim 17 no longer refers back to claim 1. Accordingly, the objection to claim 17 under 37 CFR 1.75(c) for failing to further limit the subject matter of a previous claim is overcome by placing the claim in independent form. Based on the foregoing, the Applicant respectfully requests that the objection to claim 17 be withdrawn.

The § 103 Art Rejections

Obviousness rejections are based on the statutory language that "a patent may not be obtained ... if the difference between the subject matter sought to be patented

and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art." See 35 U.S.C. § 103(a). The key to supporting any obviousness rejection is the clear articulation of the reason(s) why the claimed invention would have been obvious. See MPEP § 2142. The analysis supporting an obviousness rejection should be made explicit. See *KSR International Co. v. Teleflex, Inc.*, 550 U.S. 398, 418 (2007). Rejections on obviousness cannot be sustained with mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusions of obviousness. See *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006).

Claims 1-4, 6, and 8-10 Patentably Distinguish Over the Combination of Marsh and Hauppauge.

As amended, independent claim 1 is directed to a games system that includes "a **non-programmable games console** and an adaptor unit," the non-programmable games console includes "(i) a console housing; (ii) a game interface within said console housing for receiving a game product; (iii) a display interface within said console housing for interfacing said non-programmable games console to a display; (iv) a user interface within said console housing for receiving user input; **(v)** a game controller within said console housing for receiving game data from said game interface and said user input from said user interface and for generating therefrom **game video data** for output to said display interface; (vi) an adaptor interface within said console housing for coupling the non-programmable games console with said adaptor unit; and **(vii)** a video player within said console housing for receiving encoded video data from said adaptor unit via said adaptor interface and for outputting **decoded video data** to said display interface." The obviousness rejection of claim 1 in reliance on the combination of Marsh and Hauppauge is clear error because none of these references disclose or fairly suggest sub-elements (v) and (vii) of the "non-programmable games console" element and the reasons for obviousness stated in the Office Action do not claim that these aspects would have been obvious in view of the cited references.

The Office Action relies on col. 5, line 64 – col. 6, line 17 and FIG. 2 of Marsh for disclosure of sub-elements (v) and (vii) of the "non-programmable games console" element. However, the cited portions of Marsh merely disclose data processors of a computer that are programmed by instructions stored at different times in various storage media of the computer. The Marsh computer may be programmed via various methods and techniques. Certain sub-components of the Marsh computer may be programmed to perform certain functions and steps.

Notably, the cited portions of Marsh do not disclose or fairly suggest a games system with a non-programmable games console that includes a game controller that generates game video data based on received game data and received user input or a video player that outputs decoded video data from received encoded video data as recited in sub-elements (v) and (vii) of the "non-programmable games console" element of claim 1. Rather, the cited portions of Marsh simply disclose a basic computer with sub-components that may be programmed for certain functions.

The Office Action does not cite Hauppauge for disclosure of sub-elements (v) and (vii) of the "non-programmable games console" element of claim 1. Additionally, the reasons for obviousness stated in the Office Action do not claim that sub-elements (v) and (vii) of the "non-programmable games console" element would have been obvious in view of the combination of Marsh and Hauppauge. Based at least on the foregoing, it is submitted that claim 1 is patentably distinguished from the combination of Marsh and Hauppauge. Accordingly, the Applicant respectfully submits that independent claim 1 and claims dependent thereon (e.g., claims 2-4, 6, and 8-10) are currently in condition for allowance.

Claims 11-13, 15, and 16 Patentably Distinguish Over the Combination of Marsh and Hauppauge.

As amended, independent claim 11 is directed to an adaptor unit for use with a non-programmable games console and the non-programmable games console includes "a console housing; a game interface within the console housing for receiving a game product; a display interface within the console housing for interfacing the non-programmable games console to a display; a user interface within the console housing

for receiving user input; a **game controller** within the console housing for receiving game data from the game interface and user input from the user interface and for generating therefrom **game video data** for output to the display interface; an adaptor interface within the console housing for coupling the the non-programmable games console with the adaptor unit via the games console interface; and a **video player** within the console housing for receiving the encoded video data from the adaptor unit via the adaptor interface and for outputting **decoded video data** to the display interface." The obviousness rejection of claim 11 in reliance on the combination of Marsh and Hauppauge is clear error because none of these references disclose or fairly suggest the "game video data" limitation in the "game controller" element of the "non-programmable games console" or the "decoded video data" limitation in the "video player" element of the "non-programmable games console" and the reasons for obviousness stated in the Office Action do not claim that these aspects would have been obvious in view of the cited references.

The elements of the "non-programmable games console" added to claim 11 in this amendment are similar to elements previously presented in independent claim 17. The Office Action relies on col. 5, line 64 – col. 6, line 17 and FIG. 2 of Marsh for disclosure of the "game video data" limitation in the "game controller" element and the "decoded video data" limitation in the "video player" element in claim 17. Therefore, these portions of Marsh are addressed in the arguments distinguishing amended claim 11.

Notably, the cited portions of Marsh merely disclose data processors of a computer that are programmed by instructions stored at different times in various storage media of the computer. The Marsh computer may be programmed via various methods and techniques. Certain sub-components of the Marsh computer may be programmed to perform certain functions and steps.

The Applicant notes that the cited portions of Marsh do not disclose or fairly suggest a non-programmable games console that includes a game controller that generates game video data based on received game data and received user input or a video player that outputs decoded video data from received encoded video data as recited in the "game video data" limitation in the "game controller" element of the "non-

programmable games console" and the "decoded video data" limitation in the "video player" element of the "non-programmable games console" in claim 11. Rather, the cited portions of Marsh simply disclose a basic computer with sub-components that may be programmed for certain functions.

The Office Action does not cite Hauppauge for disclosure of the "game video data" limitation in the "game controller" element of the "non-programmable games console" or the "decoded video data" limitation in the "video player" element of the "non-programmable games console." Additionally, the reasons for obviousness stated in the Office Action do not claim that the "game video data" limitation in the "game controller" element of the "non-programmable games console" or the "decoded video data" limitation in the "video player" element of the "non-programmable games console" would have been obvious in view of the combination of Marsh and Hauppauge. Based at least on the foregoing, it is submitted that claim 11 is patentably distinguished from the combination of Marsh and Hauppauge. Accordingly, the Applicant respectfully submits that independent claim 11 and claims dependent thereon (e.g., claims 12, 13, 15, and 16) are currently in condition for allowance.

Claims 17, 19, and 20 Patentably Distinguish Over the Combination of Marsh and Hauppauge.

As amended, independent claim 17 is directed to a non-programmable games console that includes "a console housing; a game interface within said console housing for receiving a game product; a display interface within said console housing for interfacing said non-programmable games console to a display; a user interface within said console housing for receiving user input; a **game controller** within said console housing for receiving game data from said game interface and said user input from said user interface and for generating therefrom **game video data** for output to said display interface; an adaptor interface within said console housing for coupling the non-programmable games console with said adaptor unit; and a **video player** within said console housing for receiving encoded video data from said adaptor unit via said adaptor interface and for outputting **decoded video data** to said display interface." The obviousness rejection of claim 17 in reliance on the combination of Marsh and

Hauppauge is clear error because none of these references disclose or fairly suggest the "game video data" limitation in the "game controller" element or the "decoded video data" limitation in the "video player" element and the reasons for obviousness stated in the Office Action do not claim that these aspects would have been obvious in view of the cited references.

The Office Action relies on col. 5, line 64 – col. 6, line 17 and FIG. 2 of Marsh for disclosure of the "game video data" limitation in the "game controller" element and the "decoded video data" limitation in the "video player" element. However, the cited portions of Marsh merely disclose data processors of a computer that are programmed by instructions stored at different times in various storage media of the computer. The Marsh computer may be programmed via various methods and techniques. Certain sub-components of the Marsh computer may be programmed to perform certain functions and steps.

Notably, the cited portions of Marsh do not disclose or fairly suggest a non-programmable games console that includes a game controller that generates game video data based on received game data and received user input or a video player that outputs decoded video data from received encoded video data as recited in the "game video data" limitation in the "game controller" element and the "decoded video data" limitation in the "video player" element of claim 17. Rather, the cited portions of Marsh simply disclose a basic computer with sub-components that may be programmed for certain functions.

The Office Action does not cite Hauppauge for disclosure of the "game video data" limitation in the "game controller" element or the "decoded video data" limitation in the "video player" element of claim 17. Additionally, the reasons for obviousness stated in the Office Action do not claim that the "game video data" limitation in the "game controller" element or the "decoded video data" limitation in the "video player" element would have been obvious in view of the combination of Marsh and Hauppauge. Based at least on the foregoing, it is submitted that claim 17 is patentably distinguished from the combination of Marsh and Hauppauge. Accordingly, the Applicant respectfully submits that independent claim 17 and claims dependent thereon (e.g., claims 19 and 20) are currently in condition for allowance.

Claim 21 Patentably Distinguishes Over the Combination of Marsh and Hauppauge.

As amended, independent claim 21 is directed to a method of providing video data for display that includes "interfacing an adaptor unit with a non-programmable games console via a games console interface associated with the adaptor unit and an adaptor interface associated with the non-programmable games console; **receiving game data** associated with a game product at the non-programmable games console; **receiving user input** at the non-programmable games console; receiving at said adaptor unit encoded video data from a remote video provider; outputting encoded video data from said adaptor unit to said non-programmable games console through said games console interface and the adaptor interface; decoding in said non-programmable games console said encoded video data to generate decoded video data; **generating game video data** based at least in part on the received game data and the received user input; and **outputting** the decoded video data and the **game video data** via a display interface associated with the non-programmable games console to a display." The obviousness rejection of claim 21 in reliance on the combination of Marsh and Hauppauge is not appropriate because none of these references disclose or fairly suggest the "receiving game data," "receiving user input," or "generating game video data" elements or the ""game video data" limitation of the "outputting" element and the reasons for obviousness stated in the Office Action do not claim that these aspects would have been obvious in view of the cited references. These elements and limitations are added to claim 21 in this amendment.

Notably, neither Marsh nor Hauppage disclose or fairly suggest a method of providing video data for display that includes generating game video data based on received game data and received user input or outputing game video data as recited in the "receiving game data," "receiving user input," and "generating game video data" elements and the ""game video data" limitation of the "outputting" element of claim 21.

Based at least on the foregoing, it is submitted that claim 21 is patentably distinguished from the combination of Marsh and Hauppauge. Accordingly, the

Applicant respectfully submits that independent claim 21 is currently in condition for allowance.

Claim 5 Patentably Distinguishes Over the Combination of Marsh, Hauppauge, and Kim.

Claim 5 depends from claim 4, which in turn depends from claim 3, which in turn depends from claim 2, which in turn depends from independent claim 1. Accordingly, claim 5 is patentably distinct from the combination of Marsh, Hauppauge, and Kim for at least the same reasons provided above distinguishing claims 1-4 from the combination of Marsh and Hauppauge. Based at least on the foregoing, the Applicant respectfully submits that claim 5 is currently in condition for allowance.

CONCLUSION

For the reasons detailed above, it is respectfully submitted all claims remaining in the application (Claims 1-21) are now in condition for allowance. The foregoing comments do not require unnecessary additional search or examination.

☒ Remaining Claims, as delineated below:

(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT LESS HIGHEST NUMBER PREVIOUSLY PAID FOR		(3) NUMBER EXTRA
TOTAL CLAIMS	**21**	**- 21=**	**0**
INDEPENDENT CLAIMS	**4**	**- 3 =**	**1**

☒ This is an authorization under 37 CFR 1.136(a)(3) to treat any concurrent or future reply, requiring a petition for extension of time, as incorporating a petition for the appropriate extension of time.

☒ The Commissioner is hereby authorized to charge any filing or prosecution fees which may be required, under 37 CFR 1.16, 1.17, and 1.21 (but not 1.18), or to credit any overpayment, to Deposit Account Number 06-0308.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he/she is hereby authorized to telephone Alan C. Brandt, at 216.363.9000.

Respectfully submitted,

Fay Sharpe LLP

October 15, 2010
Date

Alan C. Brandt, Reg. No. 50,218
The Halle Building, 5th Floor
1228 Euclid Avenue
Cleveland, Ohio 44115-1843
216.363.9000

N:\LUTZ\200778\ACB0000537V001.DOCX